<u>REMARKS</u>

Claims 26-29, 31-38 and 41-49 are pending in this application. By this Amendment, claims 26-29, 31, 36, 38, 41, 43-44 and 47-49 are amended and claims 30 and 39-40 are canceled without prejudice or disclaimer. Various amendments are made for clarity and are unrelated to issues of patentability.

The Office Action rejects claims 26-42 and 47-49 under 35 U.S.C.§102(e) by U.S. Patent Publication 2003/0143977 to Mittal et al. (hereafter Mittal). The Office Action also rejects claims 43-46 under 35 U.S.C. §103(a) over Mittal in view of Qu et al. (hereafter Qu). The rejections are respectfully traversed with respect to the pending claims.

Independent claim 26 recites generating information related to at least one parameter for the performance upgrading within the receiving terminal, wherein the information is included in a message of a messaging service for the receiving terminal. Independent claim 26 also recites transmitting the message using the messaging service to the receiving terminal to allow the receiving terminal to upgrade its performance by changing at least one corresponding parameter stored within the receiving terminal using the message transmitted to the receiving terminal. Still further, independent claim 26 recites that the information includes a value used for certifying the performance upgrading within the receiving terminal, and the at least one corresponding parameter is changed when the value included in the information is identical to a previously stored value within the receiving terminal or a value inputted by a user of the receiving terminal.

The applied references do not teach or suggest at least these features of independent claim 26, which includes features from previous dependent claims 27 and 30. For example,

Mittal does not teach or suggest that the at least one corresponding parameter is changed when a value included in the information is identical to a previously stored value within the receiving terminal or a value inputted by a receiving user. When rejecting dependent claims 27 and 30, the Office Action references Mittal's paragraphs [0010], [0008] and [0024]. However, these features do not relate to any type of comparison between the value included in the received information and a previously stored value or value inputted by a user of a receiving terminal. Accordingly, Mittal does not teach or suggest that the corresponding parameter is changed when the value included in the information is identical to a previously stored value within the receiving terminal or a value inputted by a user of a receiving terminal. Further, paragraph [0010] does not suggest a value used for certifying the performance upgrading within a receiving terminal.

For at least the reasons set forth above, Mittal does not teach or suggest all the features of independent claim 26. Qu does not teach or suggest the features of independent claim 26 missing from Mittal. Thus, independent claim 26 defines patentable subject matter.

Independent claim 36 recites receiving a message of a messaging service via a network, wherein the message of the messaging service includes information related to at least one parameter for the performance upgrading within the receiving terminal, and comparing a password within the received message with a previously stored value in a memory of the receiving terminal. Independent claim 36 also recites storing the received message, and upgrading a performance of the receiving terminal by changing at least one corresponding parameter stored within the receiving terminal using the received message of the messaging

service, <u>wherein the upgrading is performed only when the password within the received message is identical to the previously stored value in the memory</u>.

For at least similar reasons as set forth below, the applied references do not teach or suggest at least the features of independent claim 36. More specifically, Mittal does not teach or suggest comparing a password within the received message with a previously stored value in a memory of the receiving terminal and that the upgrading is performed <u>only when the password within the received message is identical to the previously stored value in the memory</u>. Qu does not teach or suggest the missing features of independent claim 36. Thus, independent claim 36 defines patentable subject matter.

Independent claim 47 recites comparing a password within the received message with a value input by a user of the receiving terminal, storing the received message in the memory, and upgrading a performance of the receiving terminal by changing at least one corresponding parameter stored within the receiving terminal using the received message of the messaging service, wherein <u>the upgrading is performed only when the password is identical to the value input by the user of the receiving terminal</u>.

For at least similar reasons set forth above, the applied references do not teach or suggest at least these features of independent claim 47. More specifically, Mittal does not teach or suggest receiving comparing a password within the received message with a value input by a user of the receiving terminal and/or the upgrading is performed <u>only</u> when the password is identical to the value input by the user. Qu does not teach or suggest the missing features of independent claim 47. Thus, independent claim 47 defines patentable subject matter.

Independent claim 48 recites that the key value is used for <u>a certification of a sender of</u> <u>the message</u> and the pre-stored parameter of the mobile telecommunication terminal is changed when the <u>password</u> contained in the message <u>is identical to a previously stored value</u> in the mobile telecommunication terminal.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 48. Thus, independent claim 48 defines patentable subject matter.

Independent claim 49 recites replacing a previously stored performance controlling parameter with the new performance controlling parameter <u>only when the stored key value</u> <u>corresponds to a previously input password</u>.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 49. Thus, independent claim 49 defines patentable subject matter.

Accordingly, each of independent claims 26, 36 and 47-49 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 26-29, 31-38 and 41-49 are earnestly solicited. If the Examiner believes that any additional changes would place the

application in better condition for allowance, the Examiner is invited to contact the undersigned

attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is

hereby made. Please charge any shortage in fees due in connection with the filing of this,

concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and

please credit any excess fees to such deposit account.

Respectfully submitted,
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